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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Defendant and Appellant,

v.

ANY IBAN SANCHEZ CURIEL,

Plaintiff and Respondent.

E047384

(Super.Ct.No. FWV702190)

OPINION

APPEAL from the Superior Court of San Bernardino County. Raymond L. Haight
III, Judge. Affirmed.

Mark Anchor Albert, under appointment by the Court of Appeal, for Defendant
and Appellant.

No appearance for Plaintiff and Respondent.

Defendant was tried by a jury and convicted of being in possession of a stolen
vehicle (Pen. Code, § 496d, subd. (a)), for which he was sentenced to the low term of one
year four months in state prison.

BACKGROUND

On August 4, 2007, at 7:30 a.m., an Upland police officer was on patrol when he observed defendant and a female arguing in the cab of a turquoise S-10 Chevy pickup truck. As the officer approached the truck, defendant, who had been sitting in the driver's seat, and the female exited the truck. The officer asked why they were arguing but defendant did not go into any details.

The officer then asked if defendant knew who owned the truck, and defendant responded in the negative. He said only that he and the female were just sitting in the truck arguing and that he did not drive the truck. However, when the officer felt the area under the wheel well of the truck, it was hot, indicating that the vehicle had been driven recently. The officer then looked into the cab of the truck and saw that the ignition key had been jammed into the ignition. Suspecting that the vehicle had been stolen, the officer contacted dispatch to locate the registered owner. The vehicle was registered to an individual who had transferred ownership to a relative who, in turn, sold it to another individual whose surname he did not know.

The ultimate owner of the vehicle was Gonzalo Ramirez whose daughter had purchased the truck for him. When he took ownership of the vehicle, the key was jammed in the ignition and could not be removed. On August 2, 2007, Mr. Ramirez had discovered the truck missing from the parking lot of the apartment complex where he lived and he reported it missing.

The defendant's female companion denied that either she or the defendant was sitting in the truck at the time the officer detained them. They were arguing on the

sidewalk while walking back to her apartment from a doughnut shop when they were contacted by the police.

Defendant was charged with one count of receiving or possessing a stolen vehicle. (Pen. Code, § 496d, subd. (a).) He was tried and convicted by a jury and sentenced to the low term of one year four months in state prison. He timely appealed.

DISCUSSION

At his request, this court appointed counsel to represent defendant on appeal. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 [87 S.Ct. 1396, 18 L.Ed.2d 493] setting forth a statement of the case, and a summary of the facts, and requesting that we undertake an independent review of the entire record. We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error.

First, we examined the record to determine if there was substantial evidence to support the conviction for receiving a stolen vehicle, in violation of Penal Code section 496d, subdivision (a). To sustain a conviction for receiving stolen property, the prosecution must prove: (1) the property was stolen; (2) the defendant knew the property was stolen (hereafter the knowledge element); and, (3) the defendant had possession of the stolen property. (*People v. Russell* (2006) 144 Cal.App.4th 1415, 1425.)

On appeal we review the whole record in the light most favorable to the judgment to determine whether it discloses substantial evidence—that is, evidence that is

reasonable, credible, and of solid value—from which a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt. (*People v. Johnson* (1980) 26 Cal.3d 557, 578; see also *Jackson v. Virginia* (1979) 443 U.S. 307, 317–320 [61 L. Ed. 2d 560, 99 S. Ct. 2781].) We presume every fact in support of the judgment the trier of fact could have reasonably deduced from the evidence. (*People v. Wilson* (2008) 44 Cal.4th 758, 806.) If the evidence reasonably justifies the finding of the trier of fact, the reviewing court’s opinion that this evidence could also be reconciled with a contrary finding does not warrant a reversal of the judgment. (*People v. Bunyard* (1988) 45 Cal.3d 1189, 1214.)

Here, the jury heard the testimony, observed the witnesses’ demeanor and found the defendant guilty of receiving a stolen vehicle. There is substantial evidence to support the judgment. We have completed our independent review of the record and find no arguable issues.

DISPOSITION

The judgment is affirmed.

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s/Gaut
J.

We concur:

s/Ramirez
P. J.

s/King
J.